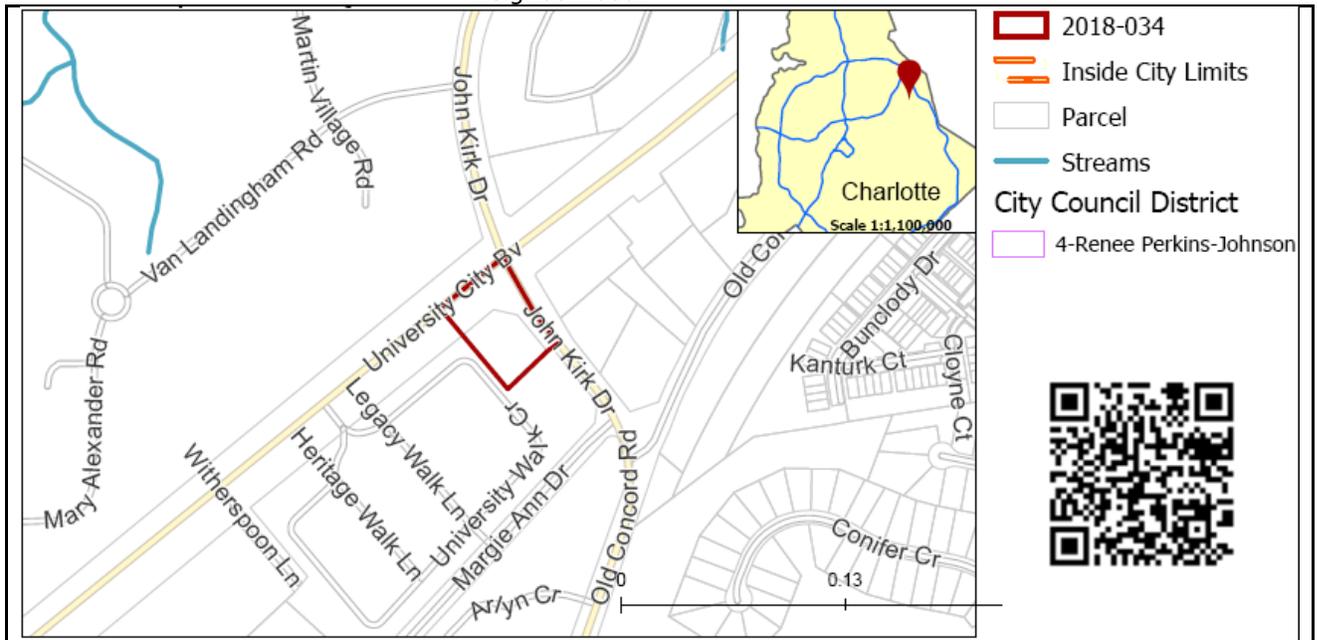


**REQUEST**

Current Zoning: B-1 (CD) (neighborhood business, conditional)  
Proposed Zoning: B-1 (CD) SPA (neighborhood business, conditional, site plan amendment)

**LOCATION**

Approximately .76 acres located at the southern intersection of John Kirk Drive and University City Boulevard in the University City neighborhood.



**SUMMARY OF PETITION**

Request for a site plan amendment to a previously approved conditional plan (1993-031) to allow all uses permitted by-right and under prescribed conditions within the B-1 zoning district while prohibiting some auto-centric uses.

**PROPERTY OWNER**  
**PETITIONER**  
**AGENT/REPRESENTATIVE**

Charles Gray  
Charles Gray  
Collin Brown & Brittany Lins, Alexander Ricks, PLLC

**COMMUNITY MEETING**

Meeting is required and has been held. Report available online.  
Number of people attending the Virtual Community Meeting: 0

**STAFF**  
**RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The petition is **inconsistent** with the *University City Area Plan's* (2015) recommendation for residential uses up to 22 dwelling units per acre (DUA) for the site.

Rationale for Recommendation

- The request for retail uses at this site matches the land use context of three of the four corners (with the fourth being controlled by the university) at the intersection of John Kirk Drive and University City Boulevard.
- The request maintains existing retail and zoning uses that were previously in operation on this corner.

- The petition is consistent with land use and development policy (policy area 10c). While it recommends this area as a “Primarily Residential Character Area”, it acknowledges supportive land uses such as retail, office, and civic/ institutional uses along University City Boulevard.
- The amendment’s commitment to exclude fueling stations is consistent with land use and development policies regarding retail uses in area 10c.
- The current conditional plan for this site severely limits the types of uses permitted at a location that is walkable for students and residents. Approval of this plan amendment would assist the owners in finding a suitable tenant for a long-closed former student bookstore.

The approval of this petition will revise the adopted future land use as specified by the *University City Area Plan*, from residential uses up to 22 DUA to retail uses for the site.

**PLANNING STAFF REVIEW**

• **Background**

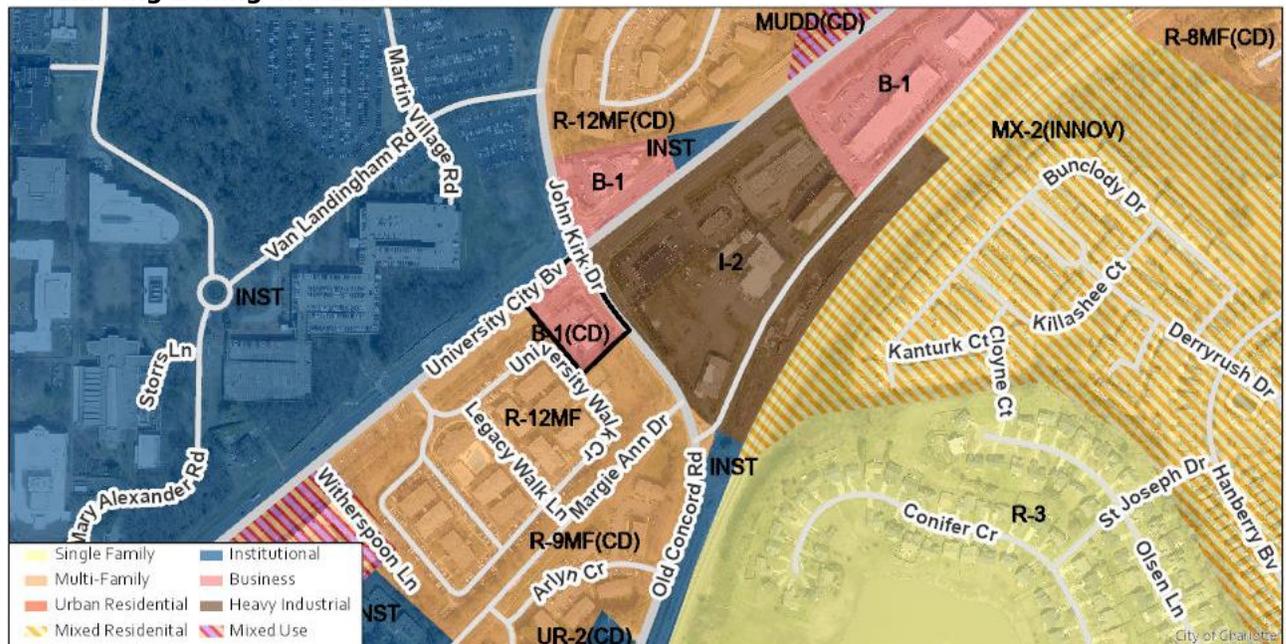
The approved site plan from rezoning petition 1993-031 limited the site’s permitted uses to a bookstore and all uses allowed within the O-1 district. It also placed limitations to the building area (5,000 SF max.)

• **Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

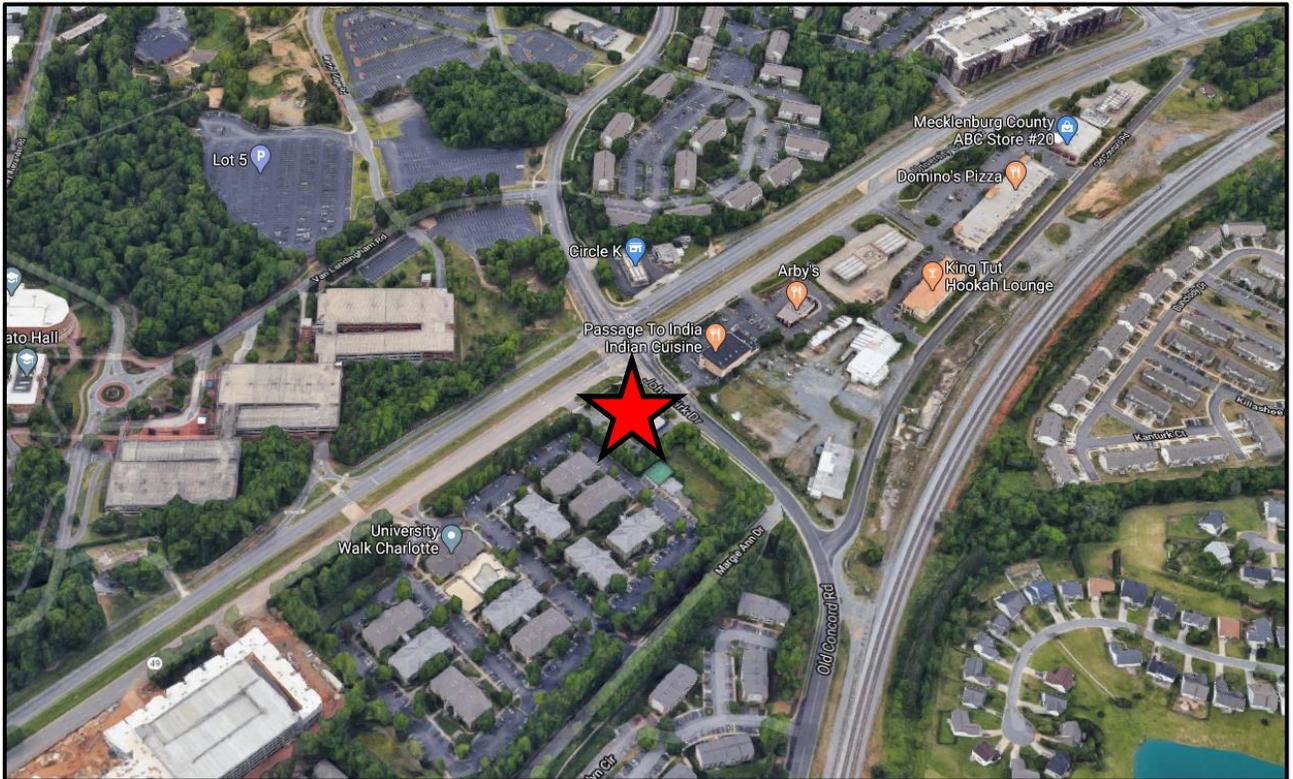
- Proposes to allow all permitted uses within the B-1 district except for the following uses:
  - Automotive service stations with gasoline sales, including repair and lubrication.
  - Automotive maintenance services.
  - Auto sales and rentals.
  - Fueling stations.
  - Commercial car washes.
  - Equipment sales or leasing within an enclosed building.
  - Residential uses.
  - **Accessory drive-thru windows**
- The amendment also removes the building area limitations from the previously approved plan.

• **Existing Zoning and Land Use**



The subject parcel was most recently rezoned in 1993 (petition 1993-031) to B-1 CD to allow the operation of a college bookstore. The University of North Carolina at Charlotte is directly east from the

site, while a mixture of single family, multi-family/student housing, industrial, and retail uses surround the remainder of the site.



General location of subject property denoted by red star.



Streetview from University City Boulevard looking east toward subject property (site of the former Gray's Bookstore).



Streetview looking west along University City Boulevard toward UNCC.

• **Rezoning History in Area**



Petition Number	Summary of Petition	Status
2016-087	Redevelopment of former single-family residential site to a multi-family development.	Approved

• **Public Plans and Policies**



- The *University City Area Plan* (2015) recommends residential uses up to 22 DUA for the site.

• **TRANSPORTATION SUMMARY**

- The site is at the signalized intersection of two thoroughfares. There is an existing 27' planting strip and 5' sidewalk on University City Boulevard and 25' planting strip and 5' sidewalk on John Kirk Drive.
- **Active Projects:**
  - N/A
- **Transportation Considerations**
  - No outstanding issues.
- **Vehicle Trip Generation:**

Current Zoning:

  - Existing Use: 0 trips per day (based on vacant land use).
  - Entitlement: 790 trips per day (based on 5,500 SF bookstore).

Proposed Zoning: 1,010 trips per day (based on .72 acres of B-1 (CD) uses).

**DEPARTMENT COMMENTS** (see full department reports online)

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte Fire Department:** See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Charlotte-Mecklenburg Schools:** Nonresidential petitions do not impact the number of students generated.
- **Charlotte Water:** Charlotte Water has accessible water system infrastructure accessible for the rezoning boundary via an existing 16-inch water transmission main located along John Kirk Drive. Charlotte Water has sanitary sewer system infrastructure accessible for the rezoning boundary via an 9-inch gravity sewer main located along John Kirk Drive. See advisory comments at [www.rezoning.org](http://www.rezoning.org)
- **Engineering and Property Management:**
  - **Arborist:** No outstanding issues.
  - **Erosion Control:** No outstanding issues.
  - **Land Development:** No outstanding issues.
  - **Storm Water Services:** No outstanding issues.
  - **Urban Forestry:** No outstanding issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.

**OUTSTANDING ISSUES**

Site and Building Design

- ~~1. Please revise the site to reflect a shared building/parking envelope in lieu of illustrating existing conditions.~~ **ADDRESSED**
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**See Attachments (applications, department memos, maps etc.) Online at [www.rezoning.org](http://www.rezoning.org)**

**Planner:** Will Linville (704) 336-4090